

**NOTICE OF INTENT TO ADOPT PROPOSED AMENDMENTS
TO THE GEORGIA BOARD OF EXAMINERS OF PSYCHOLOGISTS
BOARD RULE CHAPTER 510-5, SUPPLEMENTAL CODE OF CONDUCT, RULE 510-5-08, FORENSIC ASSESSMENT AND NOTICE OF PUBLIC HEARING**

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia Board of Examiners of Psychologists (hereinafter "Board") proposes an amendment to Rule 510-5-08 Forensic Assessment (hereinafter "proposed rule amendment").

This notice, together with an exact copy of the proposed rule amendment and a synopsis of the proposed rule amendment, is being forwarded to all persons who have requested, in writing, that they be placed on a distribution list. A copy of this notice, an exact copy of the proposed rule amendment, and a synopsis of the proposed rule amendment may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. These documents will also be available for review on the Board website at www.sos.state.ga.us/plb/psych or by contacting the Board office at 478-207-2440.

A public hearing is scheduled to begin at **12:45 p.m., Friday September 21, 2012**, in the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed rule amendment.

At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to five (5) minutes per person. Written comments are welcomed. Such written comments must be legible and signed, should contain contact information from the maker (address, telephone number and/or facsimile number, etc.) and be actually received in the office prior to the close of business (5:00 p.m. EDT) on **Friday, September 14, 2012**. Written comments should be addressed to Lisa W. Durden, Director, Secretary of State, Professional Licensing Boards Division, Georgia Board of Examiners of Psychologists, 237 Coliseum Drive, Macon, Georgia 31217; Fax (866) 888-7127.

The Board will consider the proposed rule amendment for adoption at its meeting scheduled to begin at **12:50 p.m., Friday September 21, 2012** at the Georgia Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. According to the Department of Law, State of Georgia, the Board has the authority to adopt the proposed rule amendments to 510-5-11 pursuant to authority contained in O.C.G.A. §§ 43-1-19, 43-1-24, 43-1-25, 43-39-5, 43-39-6, 43-39-13 AND 50-13-3.

At its meeting Friday, July 27, 2012, the Board voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the

objectives of O.C.G.A. §§ 43-1-19, 43-1-24, 43-1-25, 43-39-5, 43-39-6, 43-39-13 AND 50-13-3.

Additionally, at its meeting Friday, July 27, 2012, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-19, 43-1-24, 43-1-25, 43-39-5, 43-39-6, 43-39-13 AND 50-13-3 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Psychology.

For further information, contact the Board office at (478) 207-2440.

This notice is given in compliance with Section 4(a)(1) of the Georgia Administrative Procedures Act (O.C.G.A. §50-13-4).

This 2nd day of August 2, 2012

Lisa W. Durden
Director
Professional Licensing Boards

Posted: August 2, 2012

SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA BOARD OF EXAMINERS OF PSYCHOLOGISTS BOARD RULE CHAPTER 510-5, SUPPLEMENTAL CODE OF CONDUCT, RULE 510-5-08, FORENSIC ASSESSMENT

Purpose: The purpose of this rule amendment is to add a new paragraph regarding court ordered psychological custody evaluations

Main Features: The amended rule adds a new paragraph regarding the Boards stance on consideration of any potential disciplinary actions against a license professional psychologist as a result of allegations of failure to perform services.

DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE GEORGIA BOARD OF EXAMINERS OF PSYCHOLOGISTS BOARD RULE CHAPTER 510-5, SUPPLEMENTAL CODE OF CONDUCT, RULE 510-5-08, FORENSIC ASSESSMENT

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

510-5-.08 Forensic Assessment.

(1) Psychologists' forensic assessment, recommendations, and reports are based on information and techniques (including personal interviews of the individual, when appropriate) sufficient to provide appropriate substantiation for his/her findings.

(2) Psychologists provide written or oral forensic reports or testimony of the psychological characteristics of an individual only after they have conducted an examination of the individual adequate to support his/her statements or conclusions.

Provided, however, that when, despite reasonable efforts, such an examination is not feasible, psychologists clarify the impact of his/her limited information on the reliability and validity of his/her reports and testimony, and they appropriately limit the nature and extent of his/her conclusions or recommendations.

(3) In forensic testimony and reports, psychologists testify truthfully, honestly, and candidly and, consistent with applicable legal procedures, describe fairly the basis for his/her testimony and conclusions.

(4) Whenever necessary, psychologists acknowledge the limits of his/her data or conclusions.

(5) In most circumstances, psychologists avoid performing multiple and potentially conflicting roles in forensic matters. When psychologists, may be called on to service in more than one role in a legal proceeding (for example, as consultant or expert for one party or for the court and as a fact witness) they clarify role expectations and the extent of confidentiality in advance to the extent feasible, and thereafter, as changes occur, in order to avoid compromising his/her professional judgment and objectivity, and in order to avoid misleading others regarding his/her role.

(6) When a judge authorizes an order for a psychologist to conduct a psychological custody evaluation of a family, the court appointed psychologist shall not be subject to disciplinary action resulting from any act or failure to act in the performance of his or her duties unless such act or failure to act was in bad faith (see O.C.G.A. § 19-9-3). The definition of “working in good faith” shall be based on compliance with the APA’s 2010 “Guidelines for Child Custody Evaluations in Family Law Proceedings.” Any Board filed complaint that alleges misconduct by a psychologist

acting as a court-appointed custody expert must cite a specific breach of the APA's guidelines before any action is taken against the psychologist.

Authority: O.C.G.A. §§ 43-1-19, 43-1-24, 43-1-25, 43-39-5, 43-39-6, 43-39-13 AND 50-13-3.